IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

Bail Appl..No. 4260 of 2007()

CRIME NO.162 OF 2007 OF THE KODUVALLY POLICE STATION

: PETITIONERS/ACCUSED

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1. PRAJEESH, AGED 26 YEARS,
SON OF BALARAMAN NAIR, THARAMMALKANDY VEEDU,
KARUKULNGARA, KOZHIKODE DISTRICT.

2. SHAIJU, AGED 28 YEARS, SON OF
RAMANKUTTY, VATTIKKUNNUMMAL, NARIKUNI AMSOM,
KOZHIKODE.

3. PRAKASHAN, AGED 33 YEARS,
SON OF SEKHARAN NAIR, SOUGHANDIKA,
PAROPPARA VEEDU, NARIKKUNI AMSOM, KOZHIKODE.

4. SURAJ, AGED 25 YEARS, SON OF CHANDU,
AREEKKAL HOUSE, NARIKKUNI AMSOM,
KOZHIKODE.

BY ADV. SRI.JACOB ABRAHAM

RESPONDENTS: STATE

CIRCLE INSPECTOR OF POLICE,
KODUVALLY, KOZHIKODE DISTRICT, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4260 of 2007

Dated this the 13th day of July, 2007

ORDER

Application for regular bail. The petitioners face allegations in a crime registered, inter alia, under Section 307 I.P.C. The alleged incident took place on 26.05.07. The petitioners were arrested and they continue in custody from 28.05.07. An earlier application for regular bail filed by the petitioners was dismissed by this Court as per order dated 21.06.07 with the observation that the petitioners can move this Court again for bail at a later stage of investigation, not at any rate prior to 5.7.07. The investigators were directed to complete the investigation by then. The petitioners have accordingly come before this Court with this renewed prayer for bail.

2. The learned counsel for the petitioners submits that the petitioners are continuing in custody from 28.05.07. Investigation is also complete. The injured has already been discharged from the hospital. In these circumstances, continued detention of the petitioners is not necessary, submits the learned counsel for the petitioners.

3. The learned Public Prosecutor submits that the incident is actually the result of rivalry between two groups. The learned Public Prosecutor apprehends that release of the petitioners may disturb the

law and order situation and peace in the locality. Appropriate safeguards may be taken if this Court were pleased to release the petitioners, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I am satisfied that appropriate safeguards can be insisted to allay the apprehension raised by the learned Public Prosecutor and the petitioners can be granted bail.

5. In the result, this application is allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioners shall execute bonds for Rs.75,000/- (Rupees Seventy five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 2 p.m on all Mondays for a period of three months from the date of their release and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) Except for the purpose of complying with condition No.(ii), the petitioners shall not enter the jurisdiction of Koduvally Police Station during the said period of three months.

(R.BASANT, JUDGE)

rtr/-